

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SEAN JERVITT HOPKINS,	:	
Plaintiff	:	
	:	
vs.	:	CIVIL NO. 1:CV-05-2633
	:	(Judge Caldwell)
WARDEN JOSEPH SMITH, et al.,	:	
Defendants	:	(Magistrate Judge Mannion)

O R D E R

AND NOW, this 30th day of October, 2006, upon consideration of the report (doc. 37) of the magistrate judge, filed September 21, 2006, to which no objections were filed, and upon independent review of the record, it is ordered that:

1. Plaintiff's motion to proceed in forma pauperis (doc. 6) is granted;
2. The magistrate judge's report (doc. 37) is adopted;
3. Defendants' Motion to Dismiss is granted with respect to defendants Zagame and Hemphill, as employees of the United States Public Health Service, and to the extent that, under the FTCA, it would be substituted as a defendant, the United States;
4. To the extent that defendants seek to have plaintiff's complaint dismissed on the basis of lack of personal involvement and/or respondeat superior, the defendants' motion to dismiss is granted, with respect to defendants Lappin, Thoms, and Hufford, and denied, on this ground, with respect to defendant Dodrill;

5. The defendants' motion to dismiss is granted with respect to plaintiff's claims against the remaining defendants (Smith, Brown, Dodrill, and Bussanich) in their official capacity; and

6. The defendants' motion for summary judgment is granted with respect to the remaining defendants (Smith, Brown, Dodrill, and Bussanich) as discussed above;

7. The Clerk of Court shall close this file.

/s/William W. Caldwell
William W. Caldwell
United States District Judge